

United States District Court**for the****Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Scott Joseph Franklin

Case Number: 0980 2:13CR00116-TOR-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, Chief U.S. District Judge

Date of Original Sentence: October 1, 2013

Original Offense: Mailing a Threatening Communication, 18 U.S.C. § 876(c)

Original Sentence: Prison - 1005 days;
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: C. Andrew Colasurdo

Date Supervision Commenced: March 18, 2016

Defense Attorney: Federal Defender's Office

Date Supervision Expires: March 17, 2019

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 04/06/2016.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Mandatory Condition # 4: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

Supporting Evidence: On April 4, 2016, Mr. Franklin reported to U.S. Probation and submitted a urinalysis sample that was presumptive positive for amphetamine and THC. Mr. Franklin denied any illicit use of either substance.

On April 8, 2016, U.S. Probation received notification from Alere Toxicology that the sample submitted by Mr. Franklin at U.S. Probation on April 4, 2016, was confirmed as positive for both amphetamine and methamphetamine.

On April 11, 2016, Mr. Franklin reported to U.S. Probation and admitted to using the prescription medication Adderall, obtained illegally from another individual, on both April 3, and April 9, 2016. Mr. Franklin also admitted to being present around others who were smoking marijuana on April 3, 2016; however, denied smoking the substance himself. It should be noted that Mr. Franklin's urinalysis sample submitted at U.S. Probation on April

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4, 2016, was later confirmed as negative for marijuana metabolite. Mr. Franklin denied any illicit use of methamphetamine itself.

- 6 **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: On March 31, 2016, due to continued noncompliance, Mr. Franklin was directed to report to U.S. Probation on a daily basis until he submitted to the Spokane Residential Re-entry Center (RRC). On April 5, 2016, as previously reported to the Court, Mr. Franklin failed to submit to the Spokane RRC as directed. Mr. Franklin then failed to report to U.S. Probation until April 11, 2016.

When questioned on the behavior, Mr. Franklin indicated that he had not reported because he had lost his wallet and he had been searching for it. It should be noted that Mr. Franklin did leave several voice mails for the undersigned officer during this time period, and that he did eventually report to U.S. Probation on April 11, 2016.

- 7 **Special Condition # 18:** You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On April 7, 2016, U.S. Probation received notification from Alcohol Drug Education Prevention and Treatment (ADEPT) that Mr. Franklin had missed his random scheduled urinalysis test scheduled for April 6, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 11, 2016

s/ Chris Heinen

Chris Heinen

U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

April 11, 2016

Date